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2100 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20037-3213

In re Application of : **OFFICE OF PETITIONS**
Bennai, et al. :
Application No. 09/736,298 : DECISION DISMISSING
Filed: December 15, 2000 : PETITION UNDER 37 CFR
Attorney Docket No.: Q62303 : 1.47(a)
For: COMMUNICATION METHOD USING ONE:
ACCESS :

This is in response to the renewed petition under 37 CFR 1.47(a),
filed March 7, 2003.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of
this decision to reply, correcting the below-noted deficiencies.
Any reply should be entitled "Request for Reconsideration of
Petition Under 37 CFR 1.47(a)," and should only address the
deficiencies noted below, except that the reply may include an
oath or declaration executed by the non-signing inventor. Failure
to respond will result in abandonment of the application. Any
extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed December 15, 2000
without an executed oath or declaration and naming Lahcen Bennai
and Christian Laroque as joint inventors. Accordingly, on
February 16, 2001, a "Notice to File Missing Parts of
Nonprovisional Application" was mailed, requiring an executed
oath or declaration and surcharge for its late filing and a
verified English translation of the application and required fee.
The instant petition was filed in response. A petition under 37
CFR 1.47(a) was dismissed September 7, 2001 and August 5, 2002.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof
that the non-signing inventor cannot be reached or refuses to
sign the oath or declaration after having been presented with the
application papers (specification, claims and drawings); (2) an
acceptable oath or declaration in compliance with 35 U.S.C. §§
115 and 116; (3) the petition fee; and (4) a statement of the
last known address of the non-signing inventor.

The instant petition continues to fail to satisfy item (1) set
forth above. The petition lacks supporting evidence that the non-
signing inventor cannot be reached or located. Petitioner
provided no supporting evidence of efforts to locate the non-
signing inventor. Where inability to find or locate a named
inventor(s) is alleged, a statement of facts should be submitted
that fully describes the exact facts which are relied on to
establish that a *diligent effort* was made to locate the inventor.
The statement(s) of facts must be signed, where at all possible,

by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search of the internet, telephone directories, and international registries should be undertaken in regions where it is suspected the non-signing inventor may reside. Petitioner should reference and supply evidence of any such searches in a renewed petition. See, MPEP 409.03(d).

Any renewed petition must establish that despite diligent effort, petitioner cannot locate the non-signing inventor.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

By facsimile:

(703) 308-6916

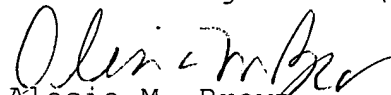
By hand:

Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

By delivery service:

(FedEx, UPS, DHL, etc.) U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, **Mail Stop Petition**
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.



Alèsia M. Brown
Petitions Attorney
Office of Petitions